

# Notice of Allowability

Application No.

09/589,253

Applicant(s)

ENGIN ET AL.

Examiner

Narayanswamy Subramanian

Art Unit

3692

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/7/2007.
2. ☒ The allowed claim(s) is/are 11-17, 19, 20 and 25-32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

1. This communication is in response to Applicant's communications filed on May 7, 2007. Amendments to claims 11, 13-15, 17, and 29-32 have been entered. Claims 11-17, 19-20 and 25-32 are pending in this application. The informal drawings filed by the applicants on June 7, 2000 were good only for examination purposes. Formal legible replacement drawings are required before the payment of issue fees. Also the office has no record of the non-patent literature (NPL) submitted along with the IDS of October 12, 2000. Applicants are respectfully requested to submit their file copies of these NPL documents before the payment of issue fees.

#### ***Allowable Subject Matter***

2. The following is a statement of reasons for the indication of allowable subject matter:

3. The prior art of record (Ray et al. US Patent 6,018,722 in view of Beaulieu et al. US Patent 5,502,637 and Luskin et al. US Patent 5,812,987) teaches a system for providing investment advice to investors over a computer network, including means for receiving a plurality of, investment strategies from a plurality of investment advisors, each of the investment strategies being updated periodically and including a plurality of trade recommendations, wherein each of the trade recommendations specifies a financial instrument and terms necessary for trading the financial instrument in a respective financial market; means for subscribing to the investment strategies; means for delivering a weighted portfolio of trade recommendations to the investor over the computer network during a trade recommendation distribution period; means for accepting, rejecting, or modifying each of the trade recommendations of the weighted portfolio of trade recommendations by the investor, through the computer network, thereby producing a sequence of customized trade recommendations; means for entering, by way of the

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computer network, one or more investor trades based on an investor-defined strategy, each of the investor trades specifying a financial instrument and terms necessary for trading the financial instrument in a respective financial market; and means for submitting the sequence of customized trade recommendations and the investor trades to a separate investor brokerage account for execution.

Even though, the prior art of record teaches the above-mentioned features, the prior art of record fails to teach a for providing investment advice to investors over a computer network, including means for entering by way of the computer network and applying the investor-defined management weights to the investment strategies thereby generating a weighted portfolio of trade recommendations, the management weights defining the percentage of investor portfolio funds available for investing in the investment strategies.

For these reasons claim 11 is deemed to be allowable over the prior art of record and claims 12-14, 25-26 and 29-30 are allowed by dependency on an allowed claim.

The prior art of record (Ray et al. US Patent 6,018,722 in view of Beaulieu et al. US Patent 5,502,637 and Luskin et al. US Patent 5,812,987) teaches a method of providing investment advice to an investor, including the steps of receiving over a computer network a plurality of investment strategies from a plurality of investment advisors, each of the investment strategies being updated periodically and including a plurality of trade recommendations, wherein each of the trade recommendations specifies a financial instrument and terms necessary for trading the financial instrument in a respective financial market; maintaining a subscription to the investment strategies for the investor using a strategy client database; delivering a weighted portfolio of trade recommendations to the investor over the computer network during a trade

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recommendation distribution period; receiving from the investor, through the computer network, an acceptance, rejection, or modification of each of the trade recommendations included in the subset of trade recommendations; producing a sequence of customized trade recommendation based on the received investor acceptance, rejection, or modification of each of the trade recommendations included in the subset of trade recommendations; receiving from the investor, by way of the computer network, one or more investor trades based on an investor-defined strategy, each of the investor trades specifying a financial instrument and terms necessary for trading the financial instrument in a respective financial market; and submitting the sequence of customized trade recommendations and the investor trades to a separate investor brokerage account for execution.

Even though, the prior art of record teaches the above-mentioned features, the prior art of record fails to teach a method of providing investment advice to an investor, including the steps of receiving from the investor, by way of the computer network, one or more investor-defined management weights, the management weights defining a percentage of investor portfolio funds available for investing in each of the investment strategies; generating a weighted portfolio of trade recommendations by applying the investor-defined management weights to the investment strategies and selecting a subset of trade recommendations from the weighted portfolio of trade recommendations based on a risk measure using an investor-accessible search utility.

For these reasons claim 15 is deemed to be allowable over the prior art of record and claims 16-17, 19-20, 27-28 and 31-32 are allowed by dependency on an allowed claim.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee, and to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled Comments on Statement of Reasons for allowance.

*Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are listed in the enclosed form PTO-892.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (571) 272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached at (571) 272-6779. The fax number for Formal or Official faxes and Draft to the Patent Office is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dr. N. Subramanian  
Art Unit 3692  
Primary Examiner

May 29, 2007